

SUMMARY STATEMENT

Countrywide Home Loans, Inc. v. Sheets, Docket No. 42063

In an appeal from Adams County, the Supreme Court affirmed the district court's grant of summary judgment. The appeal involved a dispute over a mistakenly released deed of trust, which secured a 2004 residential mortgage loan between Ralph Sheets and the lender, Bank of America, N.A., f/k/a Countrywide Home Loans, Inc.; the servicer of the loan; and the trustee who executed the mistaken release. In late spring of 2009, Sheets applied to refinance his loan but the refinancing did not close. On November 9, 2009, the trustee erroneously recorded a reconveyance of the 2004 deed of trust. Thus, Sheets has not made payments on his loan since October of 2009. Bank of America brought an action asking the district court to declare the reconveyance void and Sheets advanced various counterclaims. The district court granted summary judgment in favor of Bank of America, rescinding the reconveyance and dismissing Sheets' counterclaims. Sheets appealed and the Supreme Court affirmed, finding that the district court properly found that the reconveyance resulted in Sheets being unjustly enriched. The Supreme Court affirmed the district court's dismissal of Sheets' counterclaims, finding that the alleged agreement to loan Sheets money violated the Statute of Frauds and that there was no evidence that the parties had a meeting of the minds as to the material terms of the alleged agreement, including the amount of money to be lent and the interest rate to be paid on the loan.